

Serial No.: 09/964,216

REMARKS

Section 112, second paragraph

Claims 4-5 are rejected under 35 USC Section 112, second paragraph.

The rejection is obviated by amendment of claims 4 and 5 herein.

Reconsideration and withdrawal of the rejection is respectfully requested.

Section 101

Claims 1-3 and 6-11 are rejected under 35 USC Section 101 as claiming the same invention as that of claims 1-3 and 6-11 of US Patent No. 6,333,398.

This rejection is obviated by the amendment of claim 1, without prejudice or disclaimer, to recite purifying "an anti-HER2 antibody" as supported on at least page 3, line 14. (Due to the amendment of claim 1, claims 2 and 3 are cancelled herein as moot). Reconsideration and withdrawal of the rejection is respectfully requested.

Obviousness-type double patenting

Claims 4-5 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-5 of US Patent No. 6,333,398.

The rejection is obviated by the filing herewith of a terminal disclaimer over US Patent No. 6,333,398. Reconsideration and withdrawal of the rejection is respectfully requested.

Applicants believe that this application is now in condition for allowance, and look forward to early notification to that effect.

Respectfully submitted,  
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